

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

RONCHEKAL YON, #1889736	§	
VS.	§	CIVIL ACTION NO. 6:16cv1273
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

Petitioner Ronchekal Yon, an inmate confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered petition for a writ of habeas corpus challenging his Smith County conviction for reckless injury to a child. The petition was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the petition should be dismissed as time-barred. Mr. Yon has filed objections.

In 1996, Congress enacted a one-year statute of limitations for state inmates to file petitions for a writ of habeas corpus in federal court. 28 U.S.C. § 2244(d)(1). Mr. Yon was sentenced on August 4, 2012. The conviction was affirmed on September 4, 2013. *Yon v. State*, 440 S.W.3d 828 (Tex. App. – Tyler 2013, no pet.). The conviction became final thirty days later on October 4, 2013. The present petition was due no later than one year later on October 4, 2014, in the absence of tolling provisions. It was not filed, however, until more than two years later on October 18, 2016. Mr. Yon has not shown that the petition was timely filed in light of either statutory or equitable tolling. In his objections, he states nothing more than he is “once again” being denied due process, but he has not shown that the petition should not be dismissed by the

one-year statute of limitations. Magistrate Judge Mitchell appropriately concluded that the petition is time-barred.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Mr. Yon to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and Mr. Yon's objections are without merit. Therefore the court adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the court. It is accordingly

**ORDERED** that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions not previously ruled on are **DENIED**.

So **ORDERED** and **SIGNED** this 6 day of **January, 2017**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge